



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 - FAX (951) 781-6288

**Arnold
Schwarzenegger**
Governor

November 16, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chuck Troy
Vice President
Bell Industries
1960 E. Grand Avenue, Suite 560
El Segundo, CA 90245

MANDATORY PENALTIES COMPLAINT NO. R8-2004-0098

Dear Mr. Troy:

We are enclosing a certified copy of Complaint No. R8-2004-0098, proposing a mandatory penalty of \$15,000. This Complaint is issued pursuant to California Water Code Section 13385 (h), for multiple violations of effluent limitations established in Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001). An invoice for this amount is also enclosed.

If necessary, consideration of this matter will be scheduled for the Board's meeting on December 20, 2004. The staff report regarding this complaint and a meeting agenda will be mailed to you not less than 10 days prior to the Board meeting.

You have the option to waive your right to a hearing. Should you decide to waive your right and pay the proposed assessment, the Regional Board may not hold a public hearing on this matter. If you choose to waive your right to a hearing, please sign the enclosed waiver form and submit the form with a check for \$15,000. The waiver form, the bottom portion of the invoice and the check should be mailed to Sacramento using the enclosed envelope. All other correspondence regarding this complaint should be directed to the address listed on this letterhead.

If you do not wish to waive your right to a hearing, a pre-hearing meeting with Board staff is recommended. Should you wish to schedule a pre-hearing meeting, please contact us prior to December 1, 2004. At that time, you may submit information that might not have been previously available to staff regarding this violation. This information should address the accuracy of the findings in the Complaint.

California Environmental Protection Agency



Recycled Paper

Please note that this Complaint replaces Complaint No. R8-2004-0078 that was issued on October 4, 2004 and subsequently withdrawn based on additional information provided by you and your consultant.

If you have any questions regarding this Complaint, you may contact Ken Williams at (951) 782-4496 or Valerie Jahn-Bull at (951) 782-4903. All legal questions should be referred to our legal counsel, Jorge Leon, at (916) 341-5180.

Sincerely,



Gerard J. Thibeault
Executive Officer

Enclosures: Complaint No. R8-2004-0098, Waiver Form, Invoice and envelope

Cc w/enc. (R8-2004-0098):

Regional Board

State Water Resources Control Board, Division of Water Quality – UST Chief

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon

U.S. Environmental Protection Agency, Region 9 (WTR-7) – Kathi Moore

URS Corporation – Gary Hann

URS Corporation – Kevin Russell

URS Corporation – Chris Osterberg

Adelman & Schwartz – Robert Adelman

VJB...NPDES_WDR/BELL MPC 2004-0098 ltr.doc

California Environmental Protection Agency



Recycled Paper

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

IN THE MATTER OF:)	Complaint No. R8-2004-0098
)	for
Bell Industries)	Mandatory Penalties
1960 E. Grand Avenue)	
Suite 560)	
El Segundo, CA 90245)	
Attention: Chuck Troy)	

YOU ARE HEREBY GIVEN NOTICE THAT:


1. Bell Industries (Bell) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h).
2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on December 20, 2004. Bell or its representatives will have an opportunity to appear and be heard, and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda announcement and the staff report related to this Complaint will be mailed to you not less than 10 days prior to the hearing date.
3. If the hearing is necessary, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - a) Bell's Electronic Systems Division formerly operated a manufacturing and electro-plating operation at a site, located at 1831 Ritchey Street, in the City of Santa Ana, California. A groundwater treatment system treats and discharges groundwater to remediate the effects of a chlorinated solvent release at the site that occurred in conjunction with these former facility operations. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents.
 - b) On August 2, 2002, Bell was authorized to discharge treated groundwater resulting from its groundwater treatment system and was required to monitor

the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-096.

- c) On October 3, 2003, the Board adopted Waste Discharge Requirements, Order No. 2003-0085 (NPDES No. CAG918001), which amended Order No. 2002-0007. The amended order revised the maximum daily effluent limit concentrations for a number of hydrocarbon and chlorinated solvent constituents and established discharge limits for perchlorate and 1,4-dioxane.
 - d) Bell has submitted self-monitoring reports, which show multiple daily maximum and average monthly effluent limit violations for 1,4-dioxane. These violations are summarized on Attachment "A".
5. Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation.
 6. As shown in Attachment "A", Bell had a total of five violations between November 2003 and January 2004. All of these violations are considered serious and each one is subject to mandatory minimum penalties.
 7. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the five effluent violations cited in Section 6, above, are \$15,000.
 8. In addition, the Board may also assess administrative civil liability of \$10,000 per day for each day of violation and \$10 per gallon for each gallon discharged in excess of 1,000 gallons in accordance with Water Code Section 13385(c). The maximum administrative civil liability that may be imposed for these violations is \$87,030 (\$30,000 for three days of violation and \$57,030 based on $6,703 - 1,000 = 5,703$ gallons @ \$10 per gallon).
 9. The Executive Officer proposes that mandatory minimum penalties of \$15,000 be imposed on Bell Industries, by the Board, for the violations cited above.
 10. You may waive your right to a hearing. If you wish to waive this right, please sign the attached waiver form and return it, along with a check for \$15,000 made payable to the State Water Resources Control Board, and the bottom portion of the invoice, to Sacramento in the enclosed envelope.

If you have any questions regarding this complaint, please contact Ken Williams at (951) 782-4496, or Valerie Jahn-Bull at (951) 782-4903, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

11-16-04
Date


Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

TABLE 1A.
EFFLUENT LIMIT VIOLATIONS FOR 1,4-DIOXANE

VIOLATION DATE	DISCHARGE FLOW Gallons Per Day	EFFLUENT LIMIT* Daily Maximum in µg/l	DISCHARGE (µg/l)
11/14/03	1,950	6.0	170
11/21/04	3,553	6.0	190
1/28/04	1,200	6.0	150

TABLE 1B.
EFFLUENT LIMIT VIOLATIONS FOR 1,4-DIOXANE

VIOLATION PERIOD	EFFLUENT LIMIT* Monthly Average in µg/l	DISCHARGE Monthly Average in µg/l
November 2003	3.0	180
January 2004	3.0	150

In the matter of:)	Complaint No. R8-2004-0098
)	for
Bell Industries)	Mandatory Penalties
1960 E. Grand Avenue)	
Suite 560)	
El Segundo, CA 90245)	
Attention: Chuck Troy)	

WAIVER OF HEARING

I agree to waive the right of Bell Industries to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2004-0098. I have enclosed a check for \$15,000, made payable to the State Water Resources Control Board, as settlement. I understand that I am giving up the right of Bell Industries to be heard and to argue against allegations made by the Executive Officer in this Complaint and against the imposition of, and amount of, the liability proposed.

<hr/>	<hr/>
Date	for Bell Industries



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

The energy challenge facing California is real.
Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>



Arnold
Schwarzenegger
Governor

To:
BELL INDUSTRIES
1960 E. GRAND AVENUE #560
EL SEGUNDO, CA 90245
ATTN: Chuck Troy

Invoice No: 54901
Invoice Date: 11/09/2004
Enforcement Action ID: 95088
Enforcement Order No: R8-2004-0098

INVOICE

Milestone ID	Description	Amount	Due Date
62777	LIABILITY AMOUNT	\$15,000.00	01/17/2005
TOTAL AMOUNT DUE		\$15,000.00	

California Environmental Protection Agency



Retain above portion for your records

Please return bottom portion with your payment

BELL INDUSTRIES
1960 E. GRAND AVENUE #560
EL SEGUNDO, CA 90245
ATTN: Chuck Troy

Make your check payable to:

State Water Resources Control Board

Milestone ID	Description	Amount	Due Date
62777	LIABDUE	\$15,000.00	01/17/2005
TOTAL AMOUNT DUE		\$15,000.00	

Mail payment to:

SWRCB ACCOUNTING
ATTN: ENFORCEMENT
P. O. Box 100
SACRAMENTO, CA 95812-0100

Amount Enclosed: \$ _____

PLEASE PRINT THE FOLLOWING INVOICE NUMBER ON YOUR CHECK: 54901

Invoice Date: 11/09/2004
Enforcement Action ID: 95088
Enforcement Order No.: R8-2004-0098